

(b) No salaried city official shall:

- (1) Represent, directly or indirectly, any private person, group or interest before any agency of the city, except in matters of purely civic or public concern and when doing so, without compensation or remuneration.
- (2) Represent, directly or indirectly, any private person, group or interest in any action or proceeding against the interests of the city, or in any litigation in which the city or any agency thereof is a party. However, this provision shall not prohibit representation by a group, firm or organization the city official is associated with if such city official does not participate in the action, proceeding or litigation in any manner and does not receive any benefit directly or indirectly from the action or proceeding.
- (3) Represent, directly or indirectly, any private person, group or interest in any action or proceeding in the municipal courts of the city that was instituted by a city officer or employee in the course of official duties.

The provisions of this subsection shall not be construed to prohibit elected city officials and their staffs, while acting in the course and scope of their duties, from rendering assistance to constituents in obtaining city services, licenses, permits or in transacting other routine matters of public business with city departments or agencies, provided that no preferential treatment or consideration is requested on behalf of the constituents.

The provisions of section 1-6 of this Code shall not be applicable to this section. The provisions of this article shall be cumulative of any other applicable requirements imposed by this Code. (Ord. No. 87-59, § 1, 1-14-87; Ord. No. 89-1683, § 1, 11-15-89)

Sec. 18-4. Chapter cumulative.

This chapter is cumulative of and supplemental to applicable state and federal laws and regulations. Compliance with the provisions of this

chapter shall not excuse or relieve any person from any obligation imposed by state or federal law regarding ethics, financial reporting, campaign financing or any other issue addressed in this chapter.

(Ord. No. 92-1245, § 4, 9-16-92)

Secs. 18-5—18-10. Reserved.**ARTICLE II. ETHICS COMMITTEE****Sec. 18-11. Created; purpose.**

There is hereby created and established the ethics committee ("committee") for the city to administer and implement this chapter. The committee shall have the duty and power to review and investigate allegations of impropriety on the part of city officials and candidates for city elective office.

(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-12. Composition.

The ethics committee shall consist of seven persons of good moral character who shall be adult residents of the city. The mayor shall direct certain organizations to nominate the members of the committee. The positions shall be filled as follows:

- (1) *Position 1:* By a member of the legal community. The Houston Bar Association shall nominate the person to fill the position from the legal community.
- (2) *Position 2:* By a member of the labor community. The Central Labor Council of the AFL-CIO shall nominate the person to fill the position from the labor community.
- (3) *Position 3:* By a member of the medical community. The Harris County Medical Society shall nominate a person to fill the position from the medical community.
- (4) *Positions 4, 5, 6 and 7:* By four members from the city community-at-large. The city council shall nominate the persons to fill these four positions.

The city council shall confirm all nominations for positions on the committee. If any nominee is

unable or declines to serve on the committee, or is not confirmed by city council, the nominating authority shall nominate another person to fill the position. If the nominating authority for Position 1, 2 or 3 declines to submit a nomination to fill its respective position, either initially or subsequently, or is unable to do so, or fails to do so within 30 days of the request by the mayor, the city council shall nominate and confirm a person to fill such vacant position.

(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-13. Term of office.

The initial term of each position as hereby established shall commence on January 1, 1986. The initial terms of Positions 1, 3, 5 and 7 shall expire

on December 31, 1987; and the initial term of Positions 2, 4 and 6 shall expire on December 31, 1986. Following the aforesaid initial terms, the term of office for each position on the committee shall be two years. Any vacancy that occurs during an unexpired term shall be filled for the remainder thereof in the manner prescribed in section 18-12 of this Code for original nominations. No member may be an official or employee of the city or be a candidate for such position. A member shall hold office until his successor has been nominated by the proper authority and confirmed by city council.

(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-14. Chairman, vice-chairman; quorum.

Annually, upon confirmation of its new members, the committee shall elect one of its members to serve as chairman who will preside at all meetings. The committee shall also elect another of its members to serve as vice-chairman who shall preside at meetings in the absence of the chairman. Four members of the committee shall constitute a quorum to transact business. If a quorum is present, a vacancy on the committee shall not impair the right of the remaining members to exercise all the powers of the committee.

(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-15. Removal of members.

Members of the committee may be removed by the mayor, with the concurrence of city council, for substantial neglect of duty or for conduct that impairs the ability of the member to carry out his committee duties.

(Ord. No. 87-59, § 1, 1-14-87)

Sec. 18-16. Procedures; duties.

(a) The committee may for itself establish any rules of order, evidence, or procedure that are not in conflict with applicable state law.

(b) Neither the committee nor any member shall have power to take action except by authority of majority vote, which shall mean the vote of at least four members.

(c) The committee may request the city attorney to provide legal advice or it may request of city council that special outside counsel be employed to serve in an advisory capacity to the committee. The committee may also request that city council employ or retain any additional staff that the committee may deem necessary, but no person employed or retained by the committee shall be considered an officer or employee of the city.

(d) Upon the sworn complaint of any person the committee shall, and upon its own initiative or an unsworn or anonymous complaint, the committee may, review alleged acts of impropriety on the part of city officials and candidates for city office. At least once each calendar year the director of finance and administration shall cause to be distributed to each city employee in his or her regular pay envelope a notice setting forth the functions and duties of the committee and the procedures for filing complaints, and periodically such notices shall be posted in prominent places in city-owned facilities. The notices shall set forth a city office and telephone number that may be contacted for further assistance or information.

(e) When the committee concludes that there is reasonable cause to believe that an impropriety has occurred, the committee shall make a detailed written report of such conduct to the mayor and city council and to any appropriate department, agency, commission, or board.

(f) When the committee concludes that there is not reasonable cause to believe that impropriety has occurred, it shall report such finding to the mayor and city council and to any appropriate department, agency, commission, or board.

(g) If any complaint received or matter brought to the attention of the committee appears to involve misconduct, the committee shall refer the matter to the police department, district attorney's office or other state or federal authority responsible for the investigation or prosecution thereof. If an impropriety is also alleged therein the committee shall defer its investigation thereof or coordinate its investigation with the agency responsible for the criminal investigation or prosecution so as not to prejudice any investigation of

misconduct or prosecution for misconduct that is being conducted by criminal investigation or prosecution authorities.

(h) If, in the course of the committee's review of allegations of impropriety, there appears to be a question or issue of misconduct involved, the committee shall immediately suspend its review and refer the matter under review to the proper federal, state and local governmental authority for investigation and possible criminal prosecution, or coordinate its investigation with the agency responsible for the criminal investigation or prosecution so as not to prejudice any investigation of misconduct or prosecution for misconduct that is being conducted by criminal investigation or prosecution authorities.

(i) When the committee concludes that there has been a violation of subsection (a), part (7) of section 18-3 of this Code it shall have the power to:

- (1) Issue a public rebuke and reprimand of the violator; and/or
- (2) Request that the violator be removed and relieved of any and all committee membership(s), assignments and/or duties related to same.

(Ord. No. 87-59, § 1, 1-14-87; Ord. No. 89-1683, § 2, 11-15-89)

Sec. 18-17. Opinions.

(a) Upon receipt of a written request from any person subject to the ethical standards set out in section 18-3 herein, the committee may render written advisory opinions about the application of such ethical standards to such person in regard to a specified factual situation, whether existing or hypothetical. Any written advisory opinion so rendered shall be issued not later than the sixtieth day after the date the committee receives the written request.

(b) On its own initiative, the committee may issue a written advisory opinion about the application of the ethical standards set out in section 18-3 herein when a majority of the committee determines that an opinion would be in the public interest or in the interest of any person or persons subject to section 18-3; provided, however, that in

no case may the committee issue such an opinion which includes the name of any individual who may be affected by the opinion.

(Ord. No. 87-59, § 1, 1-14-87)

Secs. 18-18—18-20. Reserved.

ARTICLE III. FINANCIAL DISCLOSURE

Sec. 18-21. By city officials and candidates for city office.

(a) The term "city official" as used in this article shall have the meaning ascribed in section 18-2 of this Code, except that persons whose services are donated to the city and appointed members of city boards, committees and commissions who are compensated on a per-meeting basis shall be excluded.

(b) On or before October 15 of each calendar year, each city official shall file with the city secretary a financial disclosure statement. The statement shall cover the previous 12 completed months.

(c) A candidate for a city elective office at a general election shall file a financial disclosure statement with the city secretary on or before October 15 of the respective election year. A candidate for city elective office in a special election to fill a vacancy shall file a financial disclosure statement with the city secretary on or before the fifteenth day next preceding the date of the election, provided that an additional statement need not be filed for a runoff election, if any. The statement shall cover the previous 12 completed calendar months, as computed from the date that the statement is due to be filed. The term "candidate" shall include a city official seeking reelection or election to another city elective office. Those candidates who have not filed by the filing date provided herein shall be advised of such omission by the committee by way of certified mail, return receipt requested, to the address provided by such candidate at the time of filing for office.

(d) A city official who ceases to be a city official shall file a financial disclosure statement with the city secretary for the period existing between the